

NOTICE OF INDEPENDENT REVIEW DECISION

AMENDED LETTER

Note: Date of Letter

January 24, 2003

RE: MDR Tracking #: M2-03-0477-01
IRO Certificate #: IRO4326

The ____ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ____ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

____ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ____ physician reviewer who is board certified in neurosurgery which is the same specialty as the treating physician. The ____ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ____ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 52 year old female sustained a work-related injury on ____ when she tripped and fell and subsequently developed pain in her neck, back, and right arm. Despite medications and physical therapy she continued to complain of neck, shoulder and arm pain. MRI revealed cervical spondylosis with disc herniations at C5-6 and C6-7. On 03/04/02 she underwent an anterior cervical disectomy at C5-6 and C6-7 with Graftech spacer and plate. Postoperatively, she continues to complain of neck stiffness, headaches and pain in her intrascapular region. The attending physician has recommended rental/trial of a transcutaneous nerve stimulation (TENS) unit.

Requested Service(s)

TENS unit rental/trial

Decision

It has been determined that the rental/trial of a TENS unit is medically necessary.

Rationale/Basis for Decision

The clinical setting of continued mechanical pain post cervical fusion is an appropriate indication for the use of adjuvant pain relief modalities such as a TENS unit. Therefore, the rental/trial of a TENS unit is medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,

cc: Rosalinda Lopez, Program Administrator, Medical Review Division, TWCC

In accordance with Commission Rule 102.4 (h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 29 th day of January 2003.
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